

Martin Creek Instream Restoration
ENVIRONMENTAL ASSESSMENT
South River Field Office
EA# OR-105-03-05

Decision Documentation

Date Prepared: April 7, 2004

Decision:

It is my decision to authorize implementation of the Martin Creek Instream Restoration project located on approximately two miles of Martin Creek, a major tributary to Middle Creek which is designated as a Tier 1 Key Watershed. Tier 1 Key Watersheds were designated for the express purpose of contributing to the conservation of at-risk salmonids and resident fish species.

Martin Creek was identified in the Lower Cow Creek Watershed Analysis and Water Quality Restoration Plan as a restoration opportunity. Aquatic habitat surveys by the Oregon Department of Fish and Wildlife in 1993 identified a deficiency of both volume and number of pieces of large woody debris, with a resultant deficiency in pool habitat.

Portions of the stream reach in Section 35, T. 31 S., R. 7 W. and Section 2, T. 32 S., R. 7 W. are located on lands owned and managed by Roseburg Resources Company. The remainder of the reach to be treated is located on BLM-managed lands in Section 35, T. 31 S., R. 7 W. and Section 1, T. 32 S., R. 7 W., W.M.

The first phase of the project, to be implemented in the summer of 2004, will treat the portions of Martin Creek situated on private lands. This will involve the placement of 24 logs, to be supplied by Roseburg Resources Company, at nine locations to supplement and enhance the function of ten structures previously placed in the stream by Roseburg Resources Company in 1996-97. No trees will be felled on the project area for this phase of the project. Where streamside access is available, logs will be moved into place using an excavator. In other instances, logs will be winched into position.

The second phase of the project will be undertaken on BLM-administered lands in the summer of 2005, following the completion of marbled murrelet surveys in the summer of 2004, and the conclusion of consultation with the U.S. Fish and Wildlife Service on effects to threatened species. This phase will include:

- Removal of gabion baskets, which failed in 1996, from an 800 foot stretch of stream in Section 35.
- Installation of approximately 90 structures consisting of single or multiple logs, supplemented by boulders where streamside access is available for use of an excavator. The 90 structures include replacement of the failed gabion baskets, and are designed to function for a period of 25 to 50 years.

Approximately 150 trees will be cut and removed from the riparian corridor adjoining Martin Creek. These trees, ranging from 18 to 30 inches in diameter, will provide the logs needed for the instream structures. Logs will be placed in the stream with an excavator, where access is practical, via temporary roads that will be blocked to vehicular traffic and rehabilitated upon completion of the project. Where streamside access is impractical, logs will be winched into place.

The following best management practices and project design criteria will be applied in conjunction with gabion removal, structure placement and culvert replacement.

- All equipment will be pressure washed or steam cleaned prior to mobilization in and out of the project area in order to minimize the risk of introducing soil from outside the project area that may be contaminated with noxious weed seed.
- In-stream work will be limited to the period between July 1 and September 15, during low summer flows, consistent with conditions of the *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* published by the Oregon Department of Fish and Wildlife. Instream operation of equipment will be restricted to the greatest degree practicable.
- An absorbent containment boom will be placed downstream of the project site, prior to project commencement, to contain any inadvertent spillage of petroleum products.
- In order to keep logs from floating away, structures will be placed off-bank or weighted down so that their mass will overcome buoyancy during flood flows.

Rationale for the Decision:

This project was analyzed under Alternative 1, the proposed action, of the Martin Creek Instream Restoration EA. Its implementation will meet the stated objectives of improving aquatic habitat conditions, whereas Alternative 2, the no action alternative, will not. The EA and Finding of No Significant Impact were made available for public review from April 15, 2003, through May 15, 2003. No comments were received, and no issues were identified by local or tribal governments, State agencies, or other Federal agencies.

The placement of the instream structures in Martin Creek will not result in any undue environmental degradation. The project is consistent with Aquatic Conservation Strategy objectives contained in the ROD/RMP (pp. 20-21). Specifically, the project will aid in the maintenance and restoration of in-stream flows; maintenance and restoration of the natural sediment regime; and maintenance and restoration of aquatic habitat.

The project site is in the range of Kincaid's lupine (*Lupinus sulphureus* ssp. *kincaidii*), a Federally-threatened species. Surveys for the lupine and other special status species identified in the EA (p. 11) were conducted. The results of these surveys were negative.

The BLM has made a determination of “may affect, not likely to adversely affect” for the spotted owl, based on modification of suitable habitat. This modification would be minimized by implementation of the following project design criteria contained in the Biological Opinion for FY 2003-2008 management activities from the U.S. Fish and Wildlife Service dated February 21, 2003. (Ref. # 1-15-03-F-160)

- Selected trees would be free from a large amount of rot.
- Selected trees would not be capable of providing nesting structure.
- Selected trees would not be located so as to afford protection for trees containing suitable nesting structure.

Effects to designated critical habitat for the northern spotted owl were determined as a “may affect.” The Biological Opinion determined that despite the scattered removal of trees, Critical Habitat Unit OR-62 “. . . will function as intended and impacts are expected to be minimal.”

A determination of “no effect” was initially made for disturbance because no known owl activity centers were within ¼-mile of any portion of the project area, and the project would occur after June 30th, beyond the critical period during which nesting birds would be susceptible to activity-induced disturbance. Since the analysis was conducted, the Martin Creek owl pair has relocated to an alternate activity center which is within ¼-mile of a portion of the project area. Surveys for nesting activity will be conducted, and if owls have successfully nested work on that portion of the project will be deferred until such time as the owls relocate or are unsuccessful in nesting.

A determination of “may affect, not likely to adversely affect” was made for disturbance to murrelets because clearance survey are being conducted, and daily operational restrictions would be applied (EA, p. 15) during the nesting season if murrelets found in occupancy within ¼-mile of the project area. The project was determined as “likely to adversely affect” murrelets for habitat modification because felling or pulling trees for instream structures could result in the direct or indirect loss of suitable nest trees, and create canopy openings that would expose nests directly to the weather or to predation.

A determination of “may affect, not likely to adversely affect” was made for the bald eagle. The distance from Martin Creek to Cow Creek or the South Umpqua River makes the probability that eagles would nest in the project area very low. Tree selection in association with the instream project will avoid dominant trees that could provide nesting habitat. Potential roost trees could be removed, but overall stand conditions will remain largely unchanged and still provide roosting habitat.

The BLM is engaged in formal consultation with the U.S. Fish and Wildlife Service for effects on marbled murrelet, and informal consultation for concurrence on determinations regarding the bald eagle. Reasonable and Prudent Measures and Terms and Conditions contained in the forthcoming Biological Opinion will be implemented to reduce the likelihood of incidental take of any listed species.

Martin Creek provides spawning and rearing habitat for Oregon Coast coho salmon and Oregon Coast steelhead trout, and is Essential Fish Habitat for coho salmon. The short-term effects of the proposed project on coho salmon and steelhead trout will be primarily attributable to fine sediment derived from erosion of disturbed areas, stream bank disturbance, and instream activities associated with the project.

In the long term, the project will benefit salmon and trout. Replacement of the culvert on Road No. 32-7-1.2 will restore access to approximately 1 mile of habitat in a side-tributary of Martin Creek (EA, p. 4). The placement of instream structures in Martin Creek will aggrade the stream, reduce fine sediments, improve and augment spawning and rearing habitat for fish, and improve water quality in general.

The project will have a short-term “adverse effect” on Essential Fish Habitat associated with sediment. The National Marine Fisheries Service addressed the effects of this type of project in the October 18, 2002, *Programmatic Biological and Conference Opinion for Programmatic Activities Affecting SONC Coho Salmon, OC Coho Salmon, and OC Steelhead*. This opinion sets forth Conservation Recommendations to minimize effects to Essential Fish Habitat, which are reflected in the Best Management Practices and Project Design Features described above.

Monitoring:

Monitoring would be done in accordance with the ROD/RMP, Appendix I (pp. 84, 190, 193, & 195-199), with emphasis on the following resources: Late-Successional Reserves; Water and Soils; Wildlife Habitat; Fish Habitat; and Special Status Species Habitat.

Protest Procedures:

As outlined in 43 CFR § 5003 - Administrative Remedies, protests may be filed with the authorized officer within 15 days of the publication date of the Decision Notice in *The News-Review*, Roseburg, Oregon.

43 CFR 5003.3 subsection (b) states that “Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.” This precludes the acceptance of electronic mail or facsimile protests. Only written and signed hard copies of protests that are delivered to the Roseburg District Office will be accepted.

John A. Royce
Acting Field Manager
South River Field Office

Date